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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,359	04/24/2001	Saul Kato	IBOB-001/02US	6565
7590	09/02/2004		EXAMINER	LIN, WEN TAI
THOMAS L. EWING FENWICK & WEST LLP TWO PALO ALTO SQUARE PALO ALTO, CA 94306			ART UNIT	PAPER NUMBER
			2154	
			DATE MAILED: 09/02/2004	13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/842,359	KATO, SAUL
	<b>Examiner</b>	<b>Art Unit</b>
	Wen-Tai Lin	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

#### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 April 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 and 12-18 is/are rejected.  
 7) Claim(s) 11 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5 &amp; 11</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: ~~2703~~

*2704*

## DETAILED ACTION

1. Claims 1-18 are presented for examination.
2. Applicant is reminded to fill in the blanks regarding copending applications' series numbers on page 1 of the specification when the information become available.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 9-10, 12-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by LaRowe et al. [U.S. Pat. No. 6351468].

5. As to claim 1, LaRowe teaches the invention as claimed including: an information distributor [110, Fig.1], comprising:

a processor [210, Fig.2; col.3, lines 38-39];

a network receiver connected to said processor [Abstract, lines 1-2];

a transceiver system connected to said processor [230, Fig.2]; and

a memory connected to said processor, wherein said memory includes:

network receiver communication stacks configured to direct said network receiver to wirelessly receive information from a system communication network; and transceiver protocol stacks configured to direct said transceiver system to wirelessly transmit said information on demand to a portable computing device located within transmission range of said transceiver system [col.3, lines 38-59], wherein said transceiver protocol stacks include:

a first module configured to direct said transceiver system to generate a beacon [e.g., Abstract: lines 3-5; Fig.7];

a second module configured to direct said transceiver system to detect an acknowledgement signal generated, in response to said beacon, by said portable computing device [Fig.7; col.6, line 66 – col.7, line 14]; and

a third module configured to direct said transceiver system to generate, in response to said acknowledgement signal, a broadcast incorporating said information [Abstract: lines 1-11; col.19, lines 6-45].

6. As to claim 2, LaRowe further teaches that The information distributor comprising a battery connected to said processor [col.3, lines 33-36].

7. As to claim 3, LaRowe further teaches that said system communication network is a paging network, and wherein said network receiver includes a radio frequency communication device configured to receive paging transmissions [col.3, lines 20-24; note the fact that the hub can reside in a pager-like device indicates that the system may function in a paging network environment].

8. As to claims 4 and 6, LaRowe further teaches that wherein said first module has a fourth module configured to direct said transceiver system to generate said beacon/broadcast by boosting a base signal power level to increase transmission range of said beacon/broadcast [col.3, lines 42-51; col.4, lines 44-50; col.9, lines 26-33; note that the power adjustment is applied mainly due to concerns about range of coverage and interferences. Once a range is determined, the power adjustment is applicable to beacon, acknowledgement and broadcast information because these signals rely on the same transceivers for detection].

9. As to claim 9, since the features of this claim can also be found in claims 1-2, it is rejected for the same reasons set forth in the rejection of claims 1-2 above.

10. As to claim 10, LaRowe further teaches that said memory further includes: an initial schedule [i.e., the dynamic TDMA], wherein said initial schedule indicates a start of transmission time of said first scheduled transmission, and wherein said first module is configured to switch said network receiver from said sleep mode to

said active mode in accordance with said initial schedule [col.3, lines 42-51; col.5, line 65 – col.6, line 19; col.11, lines 25-33].

11. As to claims 12-15 and 17, since the features of these claims can also be found in claims 1-4, 6, 9-10, they are rejected for the same reasons set forth in the rejection of claims 1-4, 6, 9-10 above.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRowe et al.(hereafter "LaRowe")[U.S. Pat. No. 6351468], as applied to claims 1-4, 6, 9-10, 12-15 and 17 above.

14. As to claim 5, LaRowe further teaches that acknowledgements are automatically received by a receiving device (Hub or PEA) [col.16, lines 24-31]. That is there must be a module at the transceiver to detect the acknowledgement signal.

LaRowe does not specifically teach that the acknowledgement signal is an amplitude-shift-keying modulated signal.

However, it is well known in the art that information may be modulated on an RF carrier via various methods, and amplitude-shift-keying is one of them. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use amplitude-shift-keying for modulating LaRowe's acknowledgement signal because amplitude-shift-keying is particularly suitable for short-range, narrow bandwidth signaling.

15. As to claim 16, since the features of this claim can also be found in claims 1, 5 and 13, it is rejected for the same reasons set forth in the rejection of claims 1, 5 and 13 above.

16. Claims 7-8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRowe et al.(hereafter "LaRowe") [U.S. Pat. No. 6351468], as applied to claims 1-6, 9-10 and 12-17 above, further in view of Shvodian [U.S. PGPub 20020105970].

17. As to claims 7-8, LaRowe does not specifically teach that said beacon, said acknowledgement signal, and said broadcast are infrared signals, and wherein said transceiver system includes an infrared communication device.

However, it is well known in the art that infrared can be used as short-range communication. For example, Shvodian teaches a similar system wherein infrared is used as transmission carrier [Shvodian: paragraphs 78-79].

It would have been obvious to one of ordinary skill in the art at the time the invention was made that LaRowe may also uses infrared as transmission carrier because for short range communications, infrared appears to be economically efficient and the interference problem is more manageable.

18. As to claim 18, since the features of this claim can also be found in claims 1, 7 and 13, it is rejected for the same reasons set forth in the rejection of claims 1, 7 and 13 above.

19. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jiang et al.	[U.S. Pat. No. 6631123];
Beach	[U.S. PGPub 20010055283];
Heiman et al.	[U.S. Pat. No. 6587034];
Guo et al.	[U.S. Pat. No. 6389034]; and

Fischer [U.S. Pat. No. 5371734].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (703)305-4875. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(703)746-5516 for status inquiries draft communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Wen-Tai Lin

August 30, 2004

Wen-Tai L

8/30/04